I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1000, Alexandria 22313-1450, on the date shown below.

Dated: December 20, 2004 Signature:

Corres. and Mail

EXPEDITED PROCEDURE

Group Art Unit: 3738

Docket No.: SPINE 3.0-2144 DIV II

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lance Middleton

Application No.: 10/672,327

::: Group Art Unit: 3738

Filed: September 26, 2003 ::: Examiner: B. E. Snow

For: ARTIFICIAL INTERVERTEBRAL DISC

AMENDMENT UNDER 37 CFR 1.116

MS AF **Commissioner for Patents** P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated October 13, 2004, finally rejecting claims 1-15, and 17-21, please amend the above-identified U.S. patent application as follows: